



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

NORWOOD VILLAGE, INC.

PLAINTIFF

V.

CIVIL ACTION NO. 1:06cv1011-LTS-RHW

XL SPECIALTY INSURANCE COMPANY

DEFENDANT

ORDER

On August 21, this Court entered a [21] show cause Order directing Plaintiff's counsel to advise the Court of his position on Defendant XL Specialty Insurance Company's [17] Motion to Dismiss and a [19] Motion to Re-urge Motion to Dismiss. Plaintiff has not filed a response to either motion, nor has it submitted an answer to the Court's [21] Order.

Defendant's motions are based on Plaintiff's failure to comply with a discovery order and to prosecute its claims. Uniform Local Rule 7.2(c)(2) provides: "If a party fails to respond to any motion, other than a motion for summary judgment, within the time allotted, the court may grant the motion as unopposed." Further, the Plaintiff's unexplained failure to comply with the Court's discovery order is independently sufficient to justify dismissal of this cause of action under Fed. R. Civ. P. 37. *See Daly v. USAA Casualty Insurance Co.*, No. 1:06cv998.

Accordingly, **IT IS ORDERED:**

Defendant's [17][19] motions to dismiss are hereby **GRANTED**;

This cause of action is hereby **DISMISSED, WITHOUT PREJUDICE**, with each party to bear its own costs.

SO ORDERED this the 28th day of August, 2007.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE